

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

ANGELITA KERCADO-CLYMER,
Plaintiff,

-v.-

6:07-CV-00086(CBK)

CITY OF AMSTERDAM,
THOMAS V.N. BROWNELL,
Defendants.

APPEARANCES:
FOR THE PLAINTIFF:

OF COUNSEL:

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James B. Tuttle, Esq.

FOR DEFENDANT CITY OF AMSTERDAM:

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Malta, NY 12020

Gregg T. Johnson, Esq.

FOR DEFENDANT THOMAS V.N. BROWNELL

Pennock, Breedlove Law Firm
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Clifton Park, NY 12065

John H. Pennock, Esq.
Carrie McLoughlin Noll, Esq.

CHARLES B. KORNMAN,
SENIOR U.S. DISTRICT JUDGE

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

The parties have entered into an agreement in settlement of all claims in

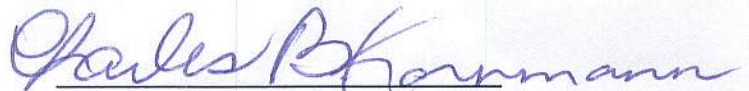
this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within 90 DAYS from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: January 28, 2011
Albany, New York



Hon. Charles B. Kornmann,
Senior United States District Judge